IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5369 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AGRAWAL RAVIPRAKASH

Versus

GUJARAT SECONDARY EDUCATION BOARD

Appearance:

MR RR VAKIL for Petitioner

MR AD OZA for Respondent No. 1

MR.BC YADAV, Head Master of Respondent No.2 - School remained personally present.

MS.NANDINI JOSHI, Advocate for Respondent No.3.

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 19/06/2000

ORAL JUDGEMENT

Rule.

Mr.A.D.Oza and Ms.Nandini Joshi waive service of rule on behalf of the respective respondents.

The petitioner's contention is that he has not received the notice dated 24.02.2000 issued by the Board alleging that he had committed irregularity and that he was required to remain present for hearing on 16.05.2000. It appears that the practice is to send the notice to the student through the school. One Shri B.C.Yadav who is Principal of Raghunath Hindi Higher Secondary School respondent no.2, states that the notice was sent several times but no one was present at home. However, it is not necessary to go into the question whether the attempt was made to serve the notice to the petitioner or not. It appears that for whatever reason the petitioner did not receive the notice. The learned Counsel for Gujarat Seconary Education Board - respondent No.1, states that the Board will issue a fresh notice to the student within one week and thereafter attempt will be made to dispose of the whole matter within two weeks. The Board is therefore directed to issue a fresh notice to the petitioner within one week and thereafter dispose of the whole matter within two weeks after the receipt of the notice by the petitioner. Rule made absolute accordingly. No order as to cost.

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m.m.bhatt